

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF ARIZONA

Case number (if known) \_\_\_\_\_

Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Check if this an amended filing

## Official Form 101

## Voluntary Petition for Individuals Filing for Bankruptcy

12/17

The bankruptcy forms use you and Debtor 1 to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use you to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

### Part 1: Identify Yourself

#### About Debtor 1:

##### 1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

**Dustin**

First name

**J**

Middle name

**Hamby**

Last name and Suffix (Sr., Jr., II, III)

#### About Debtor 2 (Spouse Only in a Joint Case):

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

##### 2. All other names you have used in the last 8 years

Include your married or maiden names.

##### 3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

**xxx-xx-5182**

**4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years**

Include trade names and *doing business as* names

**About Debtor 1:**

I have not used any business name or EINs.

Business name(s)

EINs

**About Debtor 2 (Spouse Only in a Joint Case):**

I have not used any business name or EINs.

Business name(s)

EINs

**5. Where you live**

**10819 W. Avenida Del Rey  
Peoria, AZ 85383**

Number, Street, City, State & ZIP Code

**Maricopa**

County

**If your mailing address is different from the one above, fill it in here.** Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

**If Debtor 2 lives at a different address:**

Number, Street, City, State & ZIP Code

County

**If Debtor 2's mailing address is different from yours, fill it in here.** Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

**6. Why you are choosing this district to file for bankruptcy**

**Check one:**

- Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.
- I have another reason. Explain. (See 28 U.S.C. § 1408.)

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**Part 2: Tell the Court About Your Bankruptcy Case**

7. **The chapter of the Bankruptcy Code you are choosing to file under**  Chapter 7  Chapter 11  Chapter 12  Chapter 13 *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*

8. **How you will pay the fee**  **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.  **I need to pay the fee in installments.** If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).  **I request that my fee be waived** (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. **Have you filed for bankruptcy within the last 8 years?**  No.  Yes.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

10. **Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate?**  No  Yes.

Debtor \_\_\_\_\_ Relationship to you \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_  
 Debtor \_\_\_\_\_ Relationship to you \_\_\_\_\_  
 District \_\_\_\_\_ When \_\_\_\_\_ Case number, if known \_\_\_\_\_

11. **Do you rent your residence?**  No. Go to line 12.  Yes. Has your landlord obtained an eviction judgment against you?  No. Go to line 12.  Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it with this bankruptcy petition.

**Part 3: Report About Any Businesses You Own as a Sole Proprietor****12. Are you a sole proprietor of any full- or part-time business?** No. Go to Part 4. Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any \_\_\_\_\_

Number, Street, City, State &amp; ZIP Code \_\_\_\_\_

*Check the appropriate box to describe your business:*

Health Care Business (as defined in 11 U.S.C. § 101(27A))  
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  
 Stockbroker (as defined in 11 U.S.C. § 101(53A))  
 Commodity Broker (as defined in 11 U.S.C. § 101(6))  
 None of the above

**13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a small business debtor?**

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

*If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines.* If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. 1116(1)(B).

 No. I am not filing under Chapter 11. No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code. Yes. I am filing under Chapter 11 and I am a small business debtor according to the definition in the Bankruptcy Code.**Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention****14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?**

*For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?*

 No. Yes.

What is the hazard? \_\_\_\_\_

If immediate attention is needed, why is it needed? \_\_\_\_\_

Where is the property? \_\_\_\_\_

Number, Street, City, State &amp; Zip Code \_\_\_\_\_

**Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling****15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

**About Debtor 1:**

You must check one:

**I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

**I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

**I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.**

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

**I am not required to receive a briefing about credit counseling because of:**

- Incapacity.**  
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

**About Debtor 2 (Spouse Only in a Joint Case):**

You must check one:

**I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.**

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

**I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.**

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

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- Disability.**  
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- Active duty.**  
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver of credit counseling with the court.

**Part 6: Answer These Questions for Reporting Purposes**

|  |   |  |  |
|--|---|--|--|
| 16. <b>What kind of debts do you have?</b>   | 16a. <b>Are your debts primarily consumer debts?</b> <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”                           |  |  |
|  | <input type="checkbox"/> No. Go to line 16b.  |  |  |
|  | <input checked="" type="checkbox"/> Yes. Go to line 17.   |  |  |
| 16b.   | <b>Are your debts primarily business debts?</b> <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.                        |  |  |
|  | <input type="checkbox"/> No. Go to line 16c.  |  |  |
|  | <input type="checkbox"/> Yes. Go to line 17.  |  |  |
| 16c.   | State the type of debts you owe that are not consumer debts or business debts   |  |  |
| <hr/>  |   |  |  |
| 17. <b>Are you filing under Chapter 7?</b>   | <input checked="" type="checkbox"/> No. I am not filing under Chapter 7. Go to line 18.   |  |  |
| <b>Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?</b> | <input type="checkbox"/> Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors? |  |  |
|  | <input type="checkbox"/> No   |  |  |
|  | <input type="checkbox"/> Yes  |  |  |
| <hr/>  |   |  |  |
| 18. <b>How many Creditors do you estimate that you owe?</b>  | <input checked="" type="checkbox"/> 1-49<br><input type="checkbox"/> 50-99<br><input type="checkbox"/> 100-199<br><input type="checkbox"/> 200-999  | <input type="checkbox"/> 1,000-5,000<br><input type="checkbox"/> 5001-10,000<br><input type="checkbox"/> 10,001-25,000   | <input type="checkbox"/> 25,001-50,000<br><input type="checkbox"/> 50,001-100,000<br><input type="checkbox"/> More than 100,000  |
| <hr/>  |   |  |  |
| 19. <b>How much do you estimate your assets to be worth?</b>   | <input type="checkbox"/> \$0 - \$50,000<br><input type="checkbox"/> \$50,001 - \$100,000<br><input checked="" type="checkbox"/> \$100,001 - \$500,000<br><input type="checkbox"/> \$500,001 - \$1 million                     | <input type="checkbox"/> \$1,000,001 - \$10 million<br><input type="checkbox"/> \$10,000,001 - \$50 million<br><input type="checkbox"/> \$50,000,001 - \$100 million<br><input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> \$500,000,001 - \$1 billion<br><input type="checkbox"/> \$1,000,000,001 - \$10 billion<br><input type="checkbox"/> \$10,000,000,001 - \$50 billion<br><input type="checkbox"/> More than \$50 billion |
| <hr/>  |   |  |  |
| 20. <b>How much do you estimate your liabilities to be?</b>  | <input type="checkbox"/> \$0 - \$50,000<br><input type="checkbox"/> \$50,001 - \$100,000<br><input checked="" type="checkbox"/> \$100,001 - \$500,000<br><input type="checkbox"/> \$500,001 - \$1 million                     | <input type="checkbox"/> \$1,000,001 - \$10 million<br><input type="checkbox"/> \$10,000,001 - \$50 million<br><input type="checkbox"/> \$50,000,001 - \$100 million<br><input type="checkbox"/> \$100,000,001 - \$500 million | <input type="checkbox"/> \$500,000,001 - \$1 billion<br><input type="checkbox"/> \$1,000,000,001 - \$10 billion<br><input type="checkbox"/> \$10,000,000,001 - \$50 billion<br><input type="checkbox"/> More than \$50 billion |

**Part 7: Sign Below**

|   |  |                       |                |
|---|--|-----------------------|----------------|
| <b>For you</b>  | I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.   |                       |                |
|   | If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.               |                       |                |
|   | If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).   |                       |                |
|   | I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.   |                       |                |
|   | I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571. |                       |                |
| <b>/s/ Dustin J Hamby</b><br><b>Dustin J Hamby</b><br>Signature of Debtor 1 |  | Signature of Debtor 2 |                |
| Executed on   | <u>April 13, 2018</u><br>MM / DD / YYYY  | Executed on           | MM / DD / YYYY |

**For your attorney, if you are represented by one**

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

**/s/ Benjamin Wright**

Signature of Attorney for Debtor

Date

**April 13, 2018**

MM / DD / YYYY

**Benjamin Wright**

Printed name

**Wright Law Offices**

Firm name

**668 N. 44th St. Suite 300**

**Phoenix, AZ 85008**

Number, Street, City, State & ZIP Code

Contact phone

**602-540-2328**

Email address

**bwright@wloaz.com**

**027003 AZ**

Bar number & State

Certificate Number: 16199-AZ-CC-030638427



16199-AZ-CC-030638427

## CERTIFICATE OF COUNSELING

I CERTIFY that on February 28, 2018, at 12:42 o'clock AM EST, Dustin Joel Hamby received from CC Advising, Inc., an agency approved pursuant to 11 U.S.C. § 111 to provide credit counseling in the District of Arizona, an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.

A debt repayment plan was not prepared. If a debt repayment plan was prepared, a copy of the debt repayment plan is attached to this certificate.

This counseling session was conducted by internet.

Date: February 28, 2018 By: /s/Cristy Tackett for Catherine Paurnia

Name: Catherine Paurnia

Title: Credit Counselor

\* Individuals who wish to file a bankruptcy case under title 11 of the United States Bankruptcy Code are required to file with the United States Bankruptcy Court a completed certificate of counseling from the nonprofit budget and credit counseling agency that provided the individual the counseling services and a copy of the debt repayment plan, if any, developed through the credit counseling agency. *See* 11 U.S.C. §§ 109(h) and 521(b).

Hamby, Dustin -

BENJAMIN WRIGHT  
WRIGHT LAW OFFICES  
668 N. 44TH ST. SUITE 300  
PHOENIX, AZ 85008

DUSTIN J HAMBY  
10819 W. AVENIDA DEL REY  
PEORIA AZ 85383

ARIZONA DEPARTMENT OF REVENUE  
SPECIAL OPERATIONS SECTION, 7TH FLOOR  
1600 WEST MONROE  
PHOENIX AZ 85007

INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101

ALLY FINANCIAL  
PO BOX 380901  
BLOOMINGTON MN 55438

ALPHERA FINANCIAL SERV  
P.O. BOX 3608  
DUBLIN OH 43016

AMERICA FIRST CREDIT UNION  
PO BOX 9199  
OGDEN UT 84409

ARIZONA CENTRAL CREDIT UNION  
ARIZONA CENTRAL CREDIT UNION  
PO BOX 11650  
PHOENIX AZ 85061

BANK OF AMERICA  
NC4-105-03-14  
PO BOX 26012  
GREENSBORO NC 27410

BARCLAYS BANK DELAWARE  
100 S WEST ST  
WILMINGTON DE 19801

Hamby, Dustin -

CAPITAL ONE  
ATTN: GENERAL CORRESPONDENCE/BANKRUPTCY  
PO BOX 30285  
SALT LAKE CITY UT 84130

CITIBANK / SEARS  
CITICORP CREDIT SERVICES/ATTN: CENTRALIZ  
PO BOX 790040  
SAINT LOUIS MO 63179

CITIBANK/THE HOME DEPOT  
CITICORP CR SRVS/CENTRALIZED BANKRUPTCY  
PO BOX 790040  
ST LOUIS MO 63129

CREDIT ONE BANK NA  
PO BOX 98873  
LAS VEGAS NV 89193

HUGHES FEDERAL CREDIT UNION  
P.O. BOX 11900  
TUCSON AZ 85734

KOHLS/CAPITAL ONE  
KOHLS CREDIT  
PO BOX 3043  
MILWAUKEE WI 53201

LEROYS JEWELERS  
STERLING JEWELERS, INC/ATTN: BANKRUPTCY  
PO BOX 1799  
AKRON OH 44309

MOUNTAIN AMERICA FCU  
7181 S CAMPUS VIEW DR  
WEST JORDAN UT 84084

MR. COOPER  
ATTN: BANKRUPTCY  
8950 CYPRESS WATERS BLVD  
COPPELL TX 75019

REVENUE ENTERPRISES LLC  
P.O. BOX 441368  
AURORA CO 80044

Hamby, Dustin -

SYNCB/POLARIS CONSUMER  
ATTN: BANKRUPTCY  
PO BOX 965060  
ORLANDO FL 32896

SYNCHRONY BANK/ JC PENNEYS  
ATTN: BANKRUPTCY  
PO BOX 965060  
ORLANDO FL 32896

SYNCHRONY BANK/WALMART  
ATTN: BANKRUPTCY  
PO BOX 965060  
ORLANDO FL 32896

TOYOTA MOTOR CREDIT CO  
PO BOX 8026  
CEDAR RAPIDS IA 52408

WELLS FARGO DEALER SERVICES  
ATTN: BANKRUPTCY  
PO BOX 19657  
IRVINE CA 92623